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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,442	01/05/2001	Anne E. Robb	PC-930	5126
23717	7590	03/25/2004	EXAMINER	
LAW OFFICES OF BRIAN S STEINBERGER 101 BREVARD AVENUE COCOA, FL 32922			GART, MATTHEW S	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/755,442	ROBB ET AL.
	Examiner	Art Unit
	Matthew S Gart	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 February 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3, 6-9, 12-14, 16 and 20-29 is/are pending in the application.
- 4a) Of the above claim(s) 4, 5, 10, 11, 15 and 17-19 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3, 6-9, 12-14, 16 and 20-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on February 17, 2004 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

Claims 1-3, 8, 9, 14, 16 and 20 were amended via Paper No. 5. Claims 4, 5, 10, 11, 15, 17, 18 and 19 were cancelled via Paper No. 5. New Claims 21-29 were added via Paper No. 5. Claims 1-3, 6-9, 12-14, 16 and 20-29 are pending in the instant application.

### *Drawings*

The drawings were received on February 17, 2004. The Examiner accepts these drawings.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2, 6-9, 12-14, and 20-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bidz (PTO-892, Ref U).**

Referring to claim 1. Bidz discloses a method of accessing classification information on a web-based system until a finite selection point is achieved, comprising the steps of:

- Accessing a web site having a first main menu page of category headings by a user (page 2, "Full Category Listing...");

- First selecting at least one of the category headings on the first main menu page; accessing a second menu page having first subcategory headings from the first selecting step (page 2, "Jewelry, Gemstones");
- Second selecting at least one of the first subcategory headings (page 3, "Sub Categories");
- Accessing a third menu page having second subcategory headings from the second selecting step (page 3, "Beaded");
- Third selecting at least one of the second subcategory headings by scrolling down the third menu page (page 4, "Please select a sub category"); and
- Repeating accessing and selecting by solely scrolling the menu page, until the user reaches an end of a menu series to a finite selection list of a classification, wherein interaction of the accessing of the first page, the second page, the third page, and the first selecting, the second selecting and the third selecting are navigated without inputting any search query (page 2, page 3 and page 4); and
- Viewing the single column of the finite selection list of the classification by scrolling down the finite selection list (page 4 and page 5).

Bidz discloses menu pages that a user must navigate through where each menu page has various combinations of vertical columns, horizontal listings, and combinations thereof, etc. Bidz does not expressly disclose a second subcategory heading being solely listed in a single vertical column on the third menu page with separate subcategory headings solely on each line.

The Examiner notes, the specific layout and configuration of columns and headings do not act to patentable distinguish the instant invention from the prior art. Furthermore merely shifting columns and subcategory headings is a matter of design choice and does not affect the overall operation of the method being modified. *In re Japikse*, 86 USPQ 70 (CCPA 1950).

Referring to claim 2. Bidz further discloses a method wherein the steps of the accessing of the first page, the second page, the third page, and the first selecting, the second selecting and the third selecting include a user navigating each accessing and selecting step by point and click (page 2, page 3 and page 4). Bidz does not expressly disclose selecting by voice command or a combination of point and click and voice command. The Examiner notes, the use of voice command to select a category or subcategory is functionally equivalent to the use of the point and click method utilized by Bidz. Further, one could use the instant invention with a plurality of selection means, i.e. menus, scrollbars, voice, touch screen, etc. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided any type of selection means in the system taught by Bidz since the applicant has not disclosed that having the voice command selection means solves any stated problem or is for any particular purpose and it appears that the point and click selection means would perform equally as well.

Referring to claim 6. Bidz discloses a system according to claim 1 as indicated supra. Bidz further discloses a method with a plurality of category headings including headings for: agriculture (Garden Items – page 7), aircraft (Star Wars – Page 7 or

Miscellaneous – Page 7), antiques (Antiques – Page 6), automobiles (Automotive – page 7), boats (Miscellaneous – Page 7), heavy equipment (Tools – Page 7), heavy trucks (Automotive – Page 7), industrial (Tools – Page 7), medical (Miscellaneous – Page 7), pickup trucks (Automotive – Page 7), recreational vehicles (Automotive – Page 7), and sport utility vehicles (Automotive – Page 7) and vans (Automotive – Page 7).

The Examiner notes, one could use both the instant invention and the system disclosed by Bidz to sell or search for an unlimited genre of items.

Referring to claim 7. Bidz further discloses a method wherein the first subcategory headings include headings for: makes, items, and services (page 6, page 7 and page 8).

Referring to claim 8. Bidz further discloses a method comprising the step of viewing the finite selection of the classification by scrolling through a list (page 5).

Bidz discloses menu pages that a user must navigate through where each menu page has various combinations of vertical columns, horizontal listings, and combinations thereof, etc. Bidz does not expressly disclose a second subcategory heading being solely listed in a single vertical column on the third menu page with separate subcategory headings solely on each line.

The Examiner notes, the specific layout and configuration of columns and headings do not act to patentable distinguish the instant invention from the prior art. Furthermore merely shifting columns and subcategory headings is a matter of design choice and does not affect the overall operation of the method being modified. In re Japikse, 86 USPQ 70 (CCPA 1950).

Referring to claim 9. Bidz further discloses a method comprising the step of solely filtering and sorting the finite selection list of the classification into a filtered and sorted list; and viewing the filtered and sorted list, wherein filtering and sorting only occurs at the finite selection (page 5).

Referring to claim 12. Bidz further discloses a method wherein the user is at least one of a buyer and seller, each user having an interest in at least one of a good, a make, an item, and a service (page 6, page 7 and page 8).

Referring to claim 13. Bidz further discloses a method wherein the classification information includes advertisements by sellers, each of the sellers listing at least one of goods, makes, items and services (page 6, page 7 and page 8).

Referring to claim 14. Bidz further discloses a method comprising the step of requesting an unlisted item from the web based system by a buyer-user, the unlisted item being for at least one of: a good, a make, an item, an item and a service (page 5).

Referring to claim 20. Claim 20 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 21. Bidz further discloses a method of accessing classification information wherein the step of allowing for dynamically updating by the external end user includes the step of adding and deleting from one of the at least one of the category headings, and the first subcategory headings by the external end user to the web based system (page 8 through page 13).

Referring to claim 22. Bidz further discloses a method wherein the step of allowing for dynamically updating by the external end user includes the step of

expanding listing of viewable data both horizontally and vertically by the external end user to the web based system (page 8 through page 13).

Referring to claims 23-29. Claims 23-29 are rejected under the same rationale as set forth above in claims 1-3, 6-9, 12-14, 16 and 20-22.

**Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bidz (PTO-892, Ref U) in view of Wolfe U.S. Patent No. 6,282,517.**

Referring to claim 3. Bidz discloses a system according to claim 1 as indicated supra. Bidz does not expressly disclose a method including navigating and viewing the menu pages through a handheld device selected from at least one of a pager, a cell phone, and a PDA. Wolfe discloses a method including navigating and viewing the menu pages through a handheld device selected from at least one of a pager, a cell phone, and a PDA (Wolfe: column 16, lines 20-45). It would have been obvious to one of ordinary skill in the art to have provided the method and system of Bidz to have incorporated a method and system of the type demonstrated by Wolfe in order to submit a purchase request over a computer network and make said purchase request available immediately to a dealer (Wolfe: abstract).

Referring to claim 16. Bidz discloses a method according to claim 14 as indicated supra. Bidz does not expressly disclose a method wherein the notification step further includes at least one of paging the buyer-user, and e-mailing the buyer-user. Wolfe discloses a method wherein the notification step further includes at least one of paging the buyer-user, and e-mailing the buyer-user (Wolfe: column 16, lines 20-

45). It would have been obvious to one of ordinary skill in the art to have provided the method and system of Bidz to have incorporated a method and system of the type demonstrated by Wolfe in order to submit a purchase request over a computer network and make said purchase request available immediately to a dealer (Wolfe: abstract).

### ***Response to Arguments***

Applicant's arguments with respect to claim1-2, 7-9, 12-14, 16 and 20-22 have been considered but are moot in view of the new ground(s) of rejection.

The Examiner notes, the following documents are provided in order to support the assertion that the use of voice command to select a category or subcategory is functionally equivalent to the use of the point and click method utilized by Bidz.

"InternetSpeech.com Hires Seasoned Vice President of Marketing and Sales; Ed Kennedy to Market New Service Allowing Audio Internet Access Via Any Phone," Business Editors/High Tech Writers, Business Wire, New York, December 7, 1999, page 1.

"Motorola delivers voice-activation of the Barclaycard website," M2 Presswire, Coventry, December 9, 1999.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

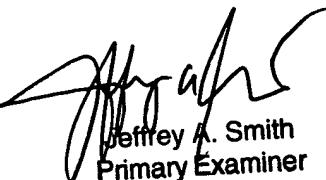
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MSG

March 18, 2004



Jeffrey A. Smith  
Primary Examiner